

SEIDEN | LAW

August 19, 2024

VIA ECF AND EMAIL

Hon. Analisa Torres
United States District Judge
United States District Court, Southern District of New York
500 Pearl Street
New York, NY 10007
Torres_NYSDChambers@nysd.uscourts.gov

Re: *Ismailov et al. v. Hutseriev et al.*, 1:24-cv-03287-AT (S.D.N.Y)

Dear Judge Torres:

We represent plaintiffs Musaib Ismailovych Ismailov (“Ismailov”) and Akhmed Hadzhyiovych Bilalov (“Bilalov”; and with Ismailov, “Plaintiffs”) in the above-referenced judgment enforcement action against defendants Public Joint Stock Company “Sberbank of Russia” (“Sberbank”), Mykhailo Safarbekovych Hutseriev, a/k/a Mikail Safarbekovich Gutseriev, a/k/a Mikhail Safarbekovich Gutseriev (“Hutseriev”), and Stanislav Kostiantynovych Kuznetsov (“Kuznetsov”; and collectively with Sberbank and Hutseriev, “Defendants”). Plaintiffs write in connection with the Court’s Order dated July 31, 2024, (ECF 41, “July Order”) and pursuant to Rules I.B-C of Your Honors’ Individual Practices to request an extension of time to move for a default judgment against Defendant Hutseriev.

Plaintiffs seek this extension out of an abundance of caution, as Plaintiffs believe that they are in compliance with the Court’s July Order. Pursuant to the Court’s July Order, by August 20, 2024, Plaintiffs are to move for a default judgment against Hutseriev or otherwise indicate their intentions concerning the prosecution of this action against him. July Order at 1. And Plaintiffs have done the latter, beginning the multi-step process of moving for default judgment against Hutseriev by filing their papers in support of a Proposed Clerk’s Certificate of Default against Hutseriev on August 1, 2024, pursuant to Attachment A of Your Honor’s Individual Practices and Rules 55.1 and 55.2 of the Local Rules for the S.D.N.Y. ECF 45-46. That day, August 1, 2024, the Clerk issued its Certificate of Default against Hutseriev (ECF 47), and, pursuant to the Court’s June 6, 2024 order granting Plaintiffs’ motion for alternative service (ECF 17), Plaintiffs emailed the Clerk’s Certificate of Default and all of Plaintiffs’ papers in support thereof to Hutseriev and all counsel of record. Accordingly, by August 20, 2024, Plaintiffs have indicated their intentions to move for default against Hutseriev.

In connection with the Court’s July Order, Plaintiffs reached out to counsel for Defendants Sberbank and Kuznetsov on July 31, 2024 to ascertain whether they knew if Hutseriev would be appearing. Defendants’ counsel represented that they were “reasonably confident that Mr. Hutseriev intends to appear and not to default.” Plaintiffs reached out as such because, earlier that month and in connection with Plaintiffs’ serving Defendants with the First Amended Complaint (ECF 18), counsel for Sberbank and Kuznetov stated to Plaintiffs that they might also be representing Hutseriev but had “not finalized the terms of that engagement.” Plaintiffs reached

SEIDEN | LAW

out to Defendants' counsel again on August 19, 2024 to determine whether Hutseriev intended to appear; as of this Letter Motion, Plaintiffs are waiting for a response. With these representations in mind and to avoid unnecessarily filing a motion that could be mooted by Hutseriev's appearance, Plaintiffs have proceeded cautiously with filing their motion for default judgment. Additionally, the ongoing Russian invasion of Ukraine has impeded Plaintiffs' counsel's ability to efficiently communicate with Plaintiff Ismailov and Plaintiffs' Ukrainian counsel, delaying our completion of Local Rule 55.2's (and Attachment A's) requirements (b) and (c). Moreover, in the period of time between the Court's issuing the July Order and this Letter Motion, Plaintiffs' counsel has had a death in his immediate family, further delaying the finalization of the required motion papers. With the Court's granting Plaintiffs' request for an extension of time, Plaintiffs will be able to complete the papers required to file their motion for default judgment against Hutseriev.

Pursuant to Rule I.C. of Your Honor's Individual Practices, the original date to move for default judgment is August 20, 2024; this is Plaintiffs' first request for an adjournment; the Court has neither granted nor denied any prior adjournment; and, because Hutseriev has not yet appeared (or responded to any of our prior communications), Plaintiffs are unable to obtain Defendant Hutseriev's consent for an adjournment.

For all the reasons set forth herein, Plaintiffs respectfully request a **twenty (20) day** extension of time to file their motion for default judgment against Defendant Hutseriev. Accordingly, the new deadline for Plaintiffs to file their motion for default judgment would be **September 9, 2024**.

We thank the Court for its consideration of these matters.

Respectfully submitted,


/s/ Jake Nachmani
SEIDEN LAW LLP
 Jake Nachmani
 MarcAnthony Bonanno
 322 Eighth Avenue, Suite 1200
 New York, NY 10001
 jnachmani@seidenlaw.com
 mbonanno@seidenlaw.com
 (646) 766-1723

Attorneys for Plaintiffs

GRANTED.

SO ORDERED.

Dated: August 21, 2024
 New York, New York



ANALISA TORRES
 United States District Judge